



Attorney Docket No. 468081-16/A-58634-6/RET/RMS/RMK

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

MEADE *et al.*

Serial No.: 09/405,046

Filed: September 27, 1999

For: *MAGNETIC RESONANCE
IMAGING AGENTS FOR
THE DETECTION OF
PHYSIOLOGICAL AGENTS*

Group No. 1616

Examiner: D. L. Jones

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Non Fee Amendment, Commissioner for Patents, Washington, DC 20231 on:

Date:

Signature

11/20/02
Jerre Valles
Jerre Valles

#24

TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION

Box Non Fee Amendment
Commissioner for Patents
Washington, DC 20231

Sir:

Petitioner, **Research Corporation Technologies, Inc.**, (hereinafter "RCT"), represents that it is the assignee of the entire right, title, and interest of

- (1) the instant application, Serial No. 09/405,046, which is a continuation-in-part of U.S. Serial No. 09/134,072, filed August 13, 1998, issued November 9, 1999 as U.S. Patent No. 5,980,862; which is a continuation-in-part of U.S. Serial No. 08/971,855, filed November 17, 1997, abandoned; which claims the benefit of the filing dates of U.S. Serial No. 60/063,328, filed October 27, 1997, closed, and International Application Serial No. US96/08548, filed June 3, 1996, closed, and is a continuation-in-part of U.S.

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Serial No. 08/486,968, filed June 7, 1995, issued January 13, 1998 as U.S. Patent No. 5,707,605; which is a continuation-in-part of U.S. Serial No. 08/460,511, filed June 2, 1995, abandoned;

(2) U.S. Patent No. 5,707,605, issued January 13, 1998; and,

(3) U.S. Patent No. 5,980,862, issued November 9, 1999.

Written assignment proof for Patent Application No. 09/405,0463 is recorded in the U.S. Patent and Trademark Office at Reel/Frame 010520. A copy of the assignment is attached as Exhibit A.

Written assignment proof for U.S. Patent No. 5,707,605 (U.S. Serial No. 08/486,968) is recorded in the U.S. Patent and Trademark Office at Reel/Frame 8272/0362. A copy of the assignment is attached as Exhibit B.

Written assignment proof for U.S. Patent No. 5,980,862 (U.S. Serial No. 09/134,072) is recorded in the U.S. Patent and Trademark Office at Reel/Frame 9603/0400. A copy of the assignment is attached as Exhibit C.

RCT hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of prior Patent Nos. 5,707,605 and 5,980,862.

RCT hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the co-pending patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, RCT does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of prior Patent Nos. 5,707,605 and 5,980,862, as shortened by any terminal disclaimer, in the event that the prior patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee, RCT.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: Nov. 19, 2002

By: Timothy J. Reckart
Timothy J. Reckart, Senior VP and General Counsel